

BILL ANALYSIS

Senate Research Center

S.B. 1984
By: Huffman
State Affairs
4/7/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Constitution requires the governor and lieutenant governor to be sworn in to office on the first Tuesday after the organization of the legislature. Thus, in a legislative session that directly follows a gubernatorial election, the legislature will have already conducted a week's worth of business before the governor and lieutenant governor have taken office. Should a new governor or lieutenant governor be elected for the first time, the delay in taking office can cause disruption to the continuity of the legislative session.

S.B. 1984 works in conjunction with S.J.R. 66 to allow future governors and lieutenant governors to be sworn in at 10 A.M. on the day before the regular session of the legislature convenes.

Specifically, S.B. 1984 allows for the attorney general, instead of the legislature, to canvass the election returns for the governor and lieutenant governor. By moving this authority to the attorney general, whose term starts January 1st, the election results can be made official prior to the start of the legislative session.

S.B. 1984 seeks to eliminate inefficiencies and disruptions, by allowing the newly elected governor and lieutenant governor to take office one day prior to the start of the regular legislative session.

As proposed, S.B. 1984 amends current law relating to the canvass of election returns for the offices of governor and lieutenant governor.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 67.008(c), Election Code, as follows:

(c) Requires the secretary of state to deliver the returns to the attorney general.

Deletes existing text requiring the secretary of state to retain the returns in their sealed condition until the first day of the next regular legislative session, when the secretary is required to deliver the returns to the speaker of the house of representatives.

SECTION 2. Amends Section 67.011, Election Code, as follows:

Sec. 67.011. New heading: COUNTY RETURNS CANVASSED BY ATTORNEY GENERAL. (a) Requires that the county election returns for an election for the office of governor or lieutenant governor be canvassed by the attorney general.

Deletes existing text requiring that the county election returns for an election for the office of governor or lieutenant governor be canvassed by the legislature and the official result declared by the speaker of the house of representatives in

accordance with Article IV, Section 3 (Returns of Election; Declaration of Election; Tie Votes; Contests), of the Texas Constitution.

(b) Authorizes the attorney general, rather than the legislature, if a county's election returns are incomplete or missing, to substitute the secretary of state's tabulation for that county or to obtain the necessary information from the county. Requires the secretary of state or the county, on request of the attorney general, rather than on request of the legislature, to promptly transmit the information to the attorney general, rather than to the legislature, by the most expeditious means available.

(c) Requires the attorney general, rather than the speaker of the house of representatives, on completion of the canvass, to deliver the county returns to the secretary of state, who is required to retain them for the period for preserving the precinct election records.

SECTION 3. Amends Section 67.014, Election Code, to provide that the official result of an election canvassed by the governor or by the attorney general, rather than the legislature, is determined from the canvass of the county returns conducted by that authority.

SECTION 4. Amends Section 67.015(e), Election Code, to require the secretary of state, if a discrepancy exists between the attorney general's canvass, rather than the legislature's canvass, of the election for governor or lieutenant governor and the register entries pertaining to either of those offices that are made from the secretary's tabulation, to make the entries in the register necessary to make it correspond to the attorney general's canvass, rather than the legislature's canvass.

SECTION 5. Amends Section 145.003(e), Election Code, to prohibit a declaration of ineligibility by the attorney general, rather than the final canvassing authority's presiding officer, in the case of a candidate for governor or lieutenant governor, from being made after the final canvass for that office is completed.

SECTION 6. Amends Section 213.059(c), Election Code, to require the secretary of state to deliver the other of two copies of a certain report to the attorney general, rather than to the speaker of the house of representatives.

SECTION 7. Amends Section 242.003(d), Election Code, to authorize the committee to which the contest is referred to treat the tabulation as correct until the attorney general, rather than the speaker of the house of representatives, opens and publishes the official election returns. Requires the committee, if a discrepancy exists between the tabulation and the attorney general's official count, rather than the speaker's official count, that might be material to a determination of the contest, to investigate the discrepancy to ascertain, if possible, the correct vote count.

SECTION 8. Effective date: January 1, 2018, contingent upon approval by the voters of the constitutional amendment providing for the governor's and lieutenant governor's terms of office to begin at 10 a.m. on the day preceding the day set by law for the convening of the regular session of the legislature following the general election for state and county officers.